

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALBERT J. MOORE,

Plaintiff,

5:11-CV-00952

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

This matter was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report and Recommendation dated February 5, 2013 ("Report-Recommendation"), Magistrate Judge Hummel recommended that the decision of the Commissioner be reversed and the matter remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405 (g) for further administrative proceedings consistent with the Report and Recommendation. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

CONCLUSION

After examining the record, this Court has determined that the Report and

Recommendation is not subject to attack for plain error or manifest injustice. Therefore,

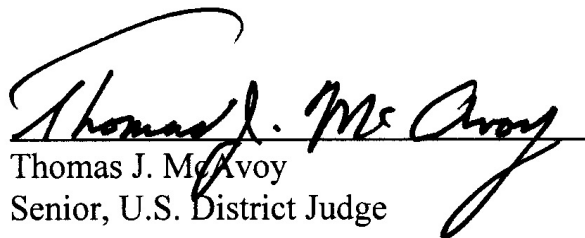
(1) The Court adopts the Report and Recommendation for the reasons stated therein;

(2) The decision of the Commissioner is **REVERSED**, and

(3) The case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405 (g) for further administrative proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED

Dated: March 11, 2013


Thomas J. McAvoy
Senior, U.S. District Judge